



General Assembly

February Session, 2006

Raised Bill No. 30

LCO No. 647

00647_____KID

Referred to Committee on Select Committee on Children

Introduced by:
(KID)

***AN ACT CONCERNING MEDIATION AND APPEALS IN TERMINATION
OF PARENTAL RIGHTS PROCEEDINGS.***

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2006*) (a) The Chief Court
2 Administrator shall establish a formal mediation services program for
3 parties to a termination of parental rights proceeding brought
4 pursuant to section 17a-112 of the general statutes. Such mediation
5 services shall be designed to provide an opportunity for all parties to
6 be heard and to arrive at a resolution acceptable to the parties. Any
7 matter that is not resolved through the mediation services program
8 may be referred to the Probate Court or Superior Court for further
9 proceedings in accordance with section 17a-112 of the general statutes,
10 as amended by this act, and part II of chapter 803 of the general
11 statutes.

12 (b) The Chief Court Administrator and the judges of the Superior
13 Court shall establish a panel of mediators in each judicial and probate
14 district the members of which shall be available to provide mediation
15 services in the district. Each panel shall consist of both commissioners
16 of the superior court and retired judges. Each member of the panel

17 shall receive the sum of ____ dollars for each day the member is
18 engaged as a mediator pursuant to this section.

19 (c) The Chief Court Administrator shall establish a formal training
20 program for commissioners of the superior court who serve as
21 mediators on such panels. Such training shall not be required for
22 retired judges who serve as mediators on such panels but such training
23 shall be made available to any retired judge who so requests.

24 (d) All oral or written communications made by any party to the
25 mediator or made between the parties in the presence of the mediator
26 while participating in the mediation program established pursuant to
27 this section are privileged and inadmissible as evidence in any court
28 proceedings unless the parties otherwise agree.

29 Sec. 2. Section 45a-716 of the general statutes is repealed and the
30 following is substituted in lieu thereof (*Effective October 1, 2006*):

31 (a) (1) Upon receipt of a petition for termination of parental rights,
32 the Court of Probate, or the Superior Court on a case transferred to it
33 from the Court of Probate in accordance with the provisions of
34 subsection (g) of section 45a-715, shall set a time and place for hearing
35 the petition. The time for hearing shall be not more than thirty days
36 after the filing of the petition, except, in the case of a petition for
37 termination of parental rights based on consent that is filed on or after
38 October 1, 2004, the time for hearing shall be not more than twenty
39 days after the filing of such petition.

40 (2) Not later than ____ days before the initial hearing on the merits of
41 a petition for termination of parental rights, the Court of Probate or the
42 Superior Court, as the case may be, shall refer the petition to the
43 mediation services program established in section 1 of this act unless
44 all parties consent to termination of parental rights or such mediation
45 is objected to by any parent or child who is a named party. Such
46 mediation shall conclude not later than ____ days after it commences
47 unless otherwise agreed by the parties. After such referral and

48 mediation, if any, the court may accept any mediated agreement or
49 may consider the petition in accordance with this part.

50 (b) The court shall cause notice of the hearing to be given to the
51 following persons, as applicable: (1) The parent or parents of the minor
52 child, including any parent who has been removed as guardian on or
53 after October 1, 1973, under section 45a-606; (2) the father of any minor
54 child born out of wedlock, provided at the time of the filing of the
55 petition (A) he has been adjudicated the father of such child by a court
56 of competent jurisdiction, (B) he has acknowledged in writing that he
57 is the father of such child, (C) he has contributed regularly to the
58 support of such child, (D) his name appears on the birth certificate, (E)
59 he has filed a claim for paternity as provided under section 46b-172a,
60 or (F) he has been named in the petition as the father of the child by the
61 mother; (3) the guardian or any other person whom the court shall
62 deem appropriate; and (4) the Commissioner of Children and Families.
63 If the recipient of the notice is a person described in subdivision (1) or
64 (2) of this subsection or is any other person whose parental rights are
65 sought to be terminated in the petition, the notice shall contain a
66 statement that the respondent has the right to be represented by
67 counsel and that if the respondent is unable to pay for counsel, counsel
68 will be appointed for the respondent. The reasonable compensation for
69 such counsel shall be established by, and paid from funds
70 appropriated to, the Judicial Department, however, in the case of a
71 Probate Court matter, if funds have not been included in the budget of
72 the Judicial Department for such purposes, such compensation shall be
73 established by the Probate Court Administrator and paid from the
74 Probate Court Administration Fund.

75 (c) Except as provided in subsection (d) of this section, notice of the
76 hearing and a copy of the petition, certified by the petitioner, the
77 petitioner's agent or attorney, or the clerk of the court, shall be served
78 at least ten days before the date of the hearing by personal service or
79 service at the person's usual place of abode on the persons enumerated
80 in subsection (b) of this section who are within the state, and by

81 certified mail, return receipt requested, on the Commissioner of
82 Children and Families. If the address of any person entitled to personal
83 service or service at the person's usual place of abode is unknown, or if
84 personal service or service at the person's usual place of abode cannot
85 be reasonably effected within the state, or if any person enumerated in
86 subsection (b) of this section is out of the state, a judge or the clerk of
87 the court shall order notice to be given by registered or certified mail,
88 return receipt requested, or by publication at least ten days before the
89 date of the hearing. Any such publication shall be in a newspaper of
90 general circulation in the place of the last-known address of the person
91 to be notified, whether within or without this state, or, if no such
92 address is known, in the place where the petition has been filed.

93 (d) In any proceeding pending in the Court of Probate, in lieu of
94 personal service on a parent or the father of a child born out of
95 wedlock who is either a petitioner or who signs under penalty of false
96 statement a written waiver of personal service on a form provided by
97 the Probate Court Administrator, the court may order notice to be
98 given by certified mail, return receipt requested, deliverable to
99 addressee only, at least ten days before the date of the hearing. If such
100 delivery cannot reasonably be effected, or if the whereabouts of the
101 parents is unknown, notice shall be ordered to be given by publication
102 as provided in subsection (c) of this section.

103 Sec. 3. Section 46b-142 of the general statutes is repealed and the
104 following is substituted in lieu thereof (*Effective October 1, 2006*):

105 (a) The Chief Court Administrator, in consultation with the judges
106 of the Superior Court, shall establish districts for the purpose of
107 establishing venue in juvenile matters. All petitions concerning
108 delinquent children shall be heard within the district where the
109 delinquency is alleged to have occurred or where the child resides, in
110 the discretion of the court. All other petitions shall be heard within the
111 district where the child or youth resided at the time of the filing of the
112 petition, but for the purposes of this section any child or youth born in

113 any hospital or institution where the mother is confined at the time of
114 birth shall be deemed to have residence in the district wherein such
115 child's or youth's mother was living at the time of her admission to
116 such hospital or institution.

117 (b) The Department of Children and Families, or any party at
118 interest aggrieved by any final judgment or order of the court, may
119 appeal to the Appellate Court in accordance with the provisions of
120 section 52-263. The clerk in charge of such juvenile matters shall
121 forthwith, after notice of any appeal, prepare and file with the clerk of
122 the Appellate Court the certified copy of the record of the case from
123 which such appeal has been taken. The name of the child or youth
124 involved in any such appeal shall not appear on the record of the
125 appeal, and the records and papers of any juvenile case filed in the
126 Appellate Court shall be open for inspection only to persons having a
127 proper interest [therein] in the records and papers and upon order of
128 the court.

129 (c) Pending such appeal, the Superior Court may cause the child or
130 youth to be detained in some suitable place as the court may direct, or
131 may release the child or youth in the care of a parent, probation officer
132 or other suitable person, and may require the appellant to enter into a
133 bond or recognizance to the state, with surety or security conditioned
134 that the child or youth shall appear before the Appellate Court and
135 abide by the order and judgment.

136 (d) Notwithstanding subsections (a), (b) and (c) of this section, the
137 Department of Children and Families, or any party to the action
138 aggrieved by a final judgment in a termination of parental rights
139 proceeding, shall be entitled to an expedited [hearing before the
140 Appellate Court. A final decision of the Appellate Court shall be
141 issued as soon as practicable after the date on which the certified copy
142 of the record of the case is filed with the clerk of the Appellate Court.]
143 appeal in accordance with this section. Any appeal from a final
144 judgment in a termination of parental rights proceeding shall be

145 privileged with respect to its assignment for hearing. With respect to
 146 such appeals, the Chief Court Administrator shall establish and
 147 administer an expedited process in each case so that a final decision is
 148 rendered not later than six months after the date the appeal is filed. At
 149 a minimum, the expedited process shall provide that: (1) Preparation
 150 of the certified copy of the record shall be privileged with respect to
 151 other cases that do not concern termination of parental rights; (2) an
 152 extension of time for filing briefs shall not be granted unless the court
 153 documents a compelling reason for such extension; (3) the appeal shall
 154 be considered submitted for immediate decision, unless oral argument
 155 is requested or ordered, after the earlier of (A) the date briefs are filed
 156 by all named parties, or (B) any deadline or extension thereof for filing
 157 such briefs has passed; and (4) oral argument, if any, shall occur not
 158 later than thirty days after the briefs are filed or such deadline or
 159 extension has passed, whichever occurs first.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2006</i>	New section
Sec. 2	<i>October 1, 2006</i>	45a-716
Sec. 3	<i>October 1, 2006</i>	46b-142

Statement of Purpose:

To (1) establish a mediation program to resolve termination of parental rights matters prior to a court proceeding on the merits, and (2) amend the procedures for appealing final judgments in termination of parental rights proceedings in order to expedite such appeals.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]